

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4849 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1 under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking anticipatory bail in Crime No.20 of 2025 on the file of Gollapally Police Station, Jagtial District, for the offences punishable under Sections 288, 324(5) read with Section 3(5) of Bhartiya Nyaya Sanhita (BNS), Sections 5 and 9(B)(1)(b) of the Explosive Substances Act, 1908.

2. The case of the prosecution is that on 30.01.2025 at about 17:00 hours, the Station House Officer, Gollapally Police Station received a complaint stating that accused No.4 in the aforesaid crime intended to clear soil from his agriculture well situated beside Renew Sun World Solar Plant and accordingly, on 28.01.2025, accused Nos.1 to 3 went to the agricultural field of accused No.4 for removing soil from the well by using gelatin sticks and detonators without having any valid permit

and without taking any precautions. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Ms. Vengamamba Chintalapudi, learned counsel representing Mr. Madas Bharat Chandra, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence as alleged by the complainant and he is falsely implicated in the present crime and that the entire allegations were levelled only against the owner of the well. He further submits that the petitioner is a daily wage labour and therefore, the ingredients of Sections 5 and 9(B)(1)(b) of the Explosive Substances Act are not applicable to him and that the remaining offences are punishable with below seven years' imprisonment. He further

submits that the investigating officer has not followed the procedure prescribed under the provisions of Section 35(3) of BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. He further submits that the petitioner is eking out his livelihood by doing daily labour work and the entire family is depending on his income. He further submits that the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is not yet completed and that if the petitioner is enlarged on bail, there is every chance of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record,

¹(2014) 8 SCC 273

it reveals that the petitioner is a daily wage labour and there are no specific allegations against him.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1 subject to the following conditions:

(i) The petitioner/accused No.1 is directed to surrender before the Station House Officer, Gollapally Police Station, Jagtial, within a period of one week from today.

(ii) On such surrender, the Station House Officer shall release the petitioner on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said officer.

(iii) On such release, the petitioner/accused No.1 shall appear before the Station House Officer, Gollapally Police Station, on every Monday at 11:00 a.m., for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required for investigation.

(iv) The petitioner/accused No.1 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall

cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

Date: 16.04.2025
LUR

J.SREENIVAS RAO, J